

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-19 are pending in this application. Claims 1-19 are currently amended. Claims 1 and 17 are the independent claims.

EXAMINER INTERVIEW

Initially, Applicants wish to thank Examiner Vaughan and Primary Examiner Syed for their time during the telephone interview of July 21, 2009, a substance of which will be duly submitted upon receipt of the Interview Summary from the Examiner's.

REJECTIONS UNDER 35 U.S.C. §112

Claims 1, 4, 18 and 19 stand rejected under 35 USC § 112, second paragraph, as being indefinite. This rejection is respectfully traversed.

As discussed and agreed upon during the interview, claims 1, 4, 18 and 19 have been appropriately amended in the preceding section to meet the requirements of 35 U.S.C. § 112, second paragraph.

Reconsideration and allowance of each of claims 1, 4, 18 and 19 is respectfully requested.

DOUBLE PATENTING REJECTION

Claims 1-6, 8-11, 13, and 16-18 are *provisionally* rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 21-26, 29, 32-33, and 36-40 of copending Application No. 10/577,158.

Applicants acknowledge this *provisional* rejection, and will take the appropriate steps to address this rejection once the claims in this application and

the claims in pending Application 10/577,158 are indicated as including allowable subject matter since this *provisional* rejection is based on claims that may change.

REJECTIONS UNDER 35 U.S.C. § 102

- **MINEMURA**

Claims 17 and 18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication 2003/0114144 to Minemura ("Minemura"). Applicants respectfully traverse this rejection for the reasons detailed below.

As discussed and agreed upon during the interview conducted July 21, 2009, Minemura fails to teach or fairly suggest **"the transmitted data including at least one of an identifier of the equipment and an identifier of the security module, ...at least one application received with the cryptogram, wherein the cryptogram includes a digest of said application and instructions, means for verification of said at least one application, and means for extraction and execution of the instructions contained in the cryptogram, the means for extraction and execution performing for at least one of releasing and blocking certain resources of the security module to the at least one application according to a result of the verification of the at least one application,"** as required by independent claim 17. (Emphasis Added)

Claim 18, dependent on independent claim 17, is patentable for the reasons stated above with respect to claim 17 as well as for its own merits.

Applicants, therefore, respectfully request that the rejection to claims 17 and 18 under 35 U.S.C. § 102 be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 103

- **MINEMURA**

Claims 1-11 and 13-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Minemura.

As discussed and agreed upon during the interview conducted July 21, 2009, Minemura fails to teach or fairly suggest “identification data including at least **an identifier of the equipment and an identifier of the security module**, ...generating, by the control server, a cryptogram, **the cryptogram including a digest of the application, the identification data and instructions intended for the security module, transmitting the application and the cryptogram by the control server**, via the network and the equipment, to the security module and, wherein, ...the security module ... according to a result of the verification of the application, performs at least one of **releasing and blocking access of certain resources of said security module to the application**,” as required by independent claim 1. (Emphasis Added)

Claims 2-11, 13-16 and 19, dependent on independent claim 1, are patentable for the reasons stated above with respect to claim 1 as well as for their own merits.

Applicants, therefore, respectfully request that the rejection to claims 1-11, 13-16 and 19 under 35 U.S.C. § 103 be withdrawn.

- **MINEMURA IN VIEW OF HAVERINEN**

Claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Minemura in view of US 2002/0012433 to Haverinen et al. (“Haverinen”). Applicants respectfully traverse this rejection for the reasons detailed below.

Applicants respectfully assert that claim 12 is dependent upon claim 1 and claim 1 has been shown patentable at least for the reasons set forth above.

Therefore, claim 12 is patentable at least by reason of its dependency. For this reason, Applicants respectfully request that the rejections under 35 U.S.C §103(a) of claim 12 be withdrawn.

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By


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